

Patent Application No.: 10/616,316
Attorney Docket No.: P10-1302
Amendment dated: 04 August, 2004
Reply to Office Action of: May 06, 2004

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Remarks

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

1. Rejection of Claims 1-14 under 35 USC § 112, second paragraph.

Reference numerals: The Examiner states that reference numerals not in parentheses must be read as part of the structural elements. It is unclear what this statement is intended to mean in light of MPEP § 608.01(m) which states the following:

Reference characters corresponding to elements recited in the detailed description and the drawings may be used in conjunction with the recitation of the same element or group of elements in the claims.

The reference characters, however, should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. The use of reference characters is to be considered as having no effect on the scope of the claims.

Therefore, the Applicant sees no basis in MPEP § 608.01(m) that requires the reference numerals to be read as part of the structural elements. Furthermore, this MPEP section provides for paragraph 7.29.02 which states that the lack of parenthesis is merely an informality to which the Examiner may object. Therefore, Applicant requests that the Examiner withdraw this statement from within the § 112 rejection. If the Examiner objects to the format of the reference numerals, applicant will address the issue under such an objection.

Claim 1 has been amended to provide antecedent basis as requested.

Claim 6 requires no amendment in light of the following remarks.

Paragraph [0016] of the specification distinguishes that the force transmitting means may be a "slider or a freely rotating roller." The plain meaning of the word slider is sufficient to describe a means for transmitting force through sliding contact and to differentiate the force transmission by rolling contact.

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Claims 10 and 11 require no amendment in light of the following remarks.

Paragraph [0015], second sentence, of the specification states that the stop may have an axis "coaxial with or parallel to the axis A." A roller axis parallel to the axis A denotes an offset roller. Therefore, claim 10 properly claims that the stop roller may be disposed a distance in the direction B different from to the force transmission means distance axis A, and claim 11 correctly differentiates an embodiment with a coaxial roller from an embodiment with an offset roller.

2. **Rejection of Claims 5, 7, and 9 under 35 USC § 102(b) as being anticipated by Schultz, et. al., Jacobson, Duquesne, Gaither, Ewald, Tran (134), or Tran (661). Rejection of Claim 8, under 35 USC § 102(b) as being anticipated by Schultz, et. al.**

Claim 5 has been amended to recite that the means for force application acts to push the tread support S onto the rim J. The cited references disclose tools designed to act on a tire to aid its mounting on a rim. None of the cited references discloses any structure in addition to the tire and the rim that may be construed as a tread support or any means by which such a support is pushed onto a rim. Therefore, no reference anticipates the invention as described by amended claim 5. Furthermore, none of the references, taken individually or in combination, provide any teaching or suggestion that would motivate a person skilled in the art to arrive at the Applicant's instant invention to mount a combination of a tire and a tread support onto a rim. As claim 5 has been amended to place it in condition for allowance, dependent claims 7-9 are also in condition for allowance.

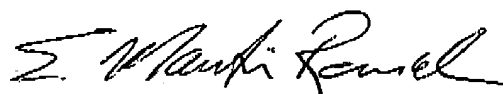
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Applicant respectfully submits that the foregoing amendments to the claims and remarks now place all claims under consideration in a condition for allowance.

If the Examiner has need of any clarification or questions, please do not hesitate to contact the Applicant's attorney at the number below.

Respectfully submitted,



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